



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Stager et al.

Application No.: 10/772,642

Confirmation No.: 5773

Filed: February 5, 2004

For: METHOD AND SYSTEM FOR
RESTORING A VOLUME IN A
CONTINUOUS DATA PROTECTION
SYSTEM

Group: 2185

Examiner: Tsui, Daniel

Our File: NET-P01-2289.01

Date: March 28, 2007

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to Applicants' Duty of Disclosure pursuant to 37 C.F.R. §1.56, Applicants wish to bring to the Examiner's attention the material cited on the enclosed PTO-1449 form. **Newly cited documents are indicated by an asterisk (*)**. The document noted by a double asterisk (**) is a correction from the previous PTO 1449 form submitted. In a related application, it was noted that the inventor identification was incorrect. Accordingly, it is now corrected. Pursuant to 37 C.F.R. §1.98(a)(2)(ii), copies of the cited U.S. publications and/or patent documents have not been included.

04/03/2007 SFELEKE1 00000033 10772642

01 FC:1806

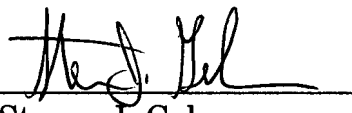
180.00 0P

This Information Disclosure Statement is being filed with the fee required by 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner consider these documents and return an initialed copy of the PTO-1449 form indicating his consideration of the cited materials.

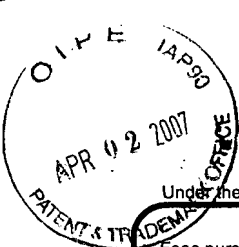
Respectfully submitted,

Stager et al.

By 
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Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

SJG/mes
Enclosures (4)



PTO/SB/17 (02-07)

Approved for use through 02/28/2007. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2007

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

Application Number	10/772,642
Filing Date	February 5, 2004
First Named Inventor	Stager et al.
Examiner Name	Daniel Tsui
Art Unit	2185
Attorney Docket No.	NET-P01-2289.01

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: 22-0493 Deposit Account Name: Volpe and Koenig, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, **except for the filing fee**☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP =	x	=	0.00	Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Information Disclosure Statement **Fees Paid (\$)** 180.00**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 41,034	Telephone 215-568-6400
Name (Print/Type)	Steven J. Gelman		Date March 28, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FORM PTO-1449

ATTY. DOCKET NO.
NET-P01-2289.01SERIAL NO.
10/772,642U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEAPPLICANT
Stager et al.INFORMATION DISCLOSURE
STATEMENT BY APPLICANTFILING DATE
February 5, 2004GROUP
2185

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4,635,145	01/1987	Horie et al.			
	*	4,727,512	02/1988	Birkner et al.			
		4,775,969	10/1988	Osterlund			
	*	5,297,124	03/1994	Plotkin et al.			
		5,438,674	08/1995	Keele et al.			
		5,455,926	10/1995	Keele et al.			
		5,666,538	09/1997	DeNicola			
		5,673,382	09/1997	Cannon et al.			
		5,774,292	06/1998	Georgiou et al.			
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		5,805,864	09/1998	Carlson et al.			
		5,809,511	09/1998	Peake			
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		6,044,442	03/2000	Jesionowski			
		6,049,848	04/2000	Yates et al.			
EXAMINER				DATE CONSIDERED			

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	6,061,309	05/2000	Gallo et al.				
*	6,067,587	05/2000	Miller et al.				
	6,070,224	05/2000	LeCrone et al.				
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	6,336,163	01/2002	Brewer et al.				
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U.S. PATENT DOCUMENTS							
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		6,931,557	08/2005	Togawa, Yoshifusa			
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	*	2003/0225800	12/2003	Kavuri, Srinivas			
		2004/0015731	01/2004	Chu et al.			
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	*	2004/0098244	05/2004	Dailey et al.			
	*	2004/0181388	09/2004	Yip et al.			
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		2006/0047999	03/2006	Passerini et al.			
	*	2006/0143376	06/2006	Matze et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
	*	EP 1 333 379	04/2006	Bolt, Thomas			YES NO
		EP 1 671 231	06/2006	Rowan et al.			YES NO
EXAMINER				DATE CONSIDERED			

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	*	WO1999/03098	01/1999	Yates et al.				
	*	WO1999/06912	02/1999	Georgis et al.				
		WO2005/031576	04/2005	Rowan et al.				
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	"Alacritus Software's Securitus I: Pointing the Way to Virtual Tape Libraries" Aberdeen Group, Inc., March 2002.
	"Continuous Data Protection: Business Continuity for the Era of Networked Storage: An Executive White Paper" Aberdeen Group, Inc., July 2003.
	"Alacritus Software's Chronospan: Make Time for Continuous Data Protection" Aberdeen Group, Inc., October 2003.
	Hill, David "Alacritus Software's Securitus: Defining the Way to Virtual Tape Libraries" Aberdeen Group, Inc., July 2003.
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	"Product Brief: Rhapsody/Alacritus-Secritus/XPath Virtual Tape in the Fabric" The Enterprise Storage Group, August 2002.
	"Alacritus Software Announces Securitus I, The Industry's First Virtual Tape Library Solution: Securitus I Heralds Advent of 'Disruptive Technology' that Serves as Replacement to Tape Libraries" Alacritus Software, Inc., June 25, 2001.

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(Use several sheets if necessary)			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
		"Alacritus, Hitachi CP and Nissho Team to Create Virtual Tape Library Appliance: Industry's First Virtual Tape Library Appliance to Replace Storage Tape Libraries" Alacritus Software, Inc., June 25, 2001.	
		"Hitachi CP, Nissho, and Alacritus Software Bring Virtual Tape Library Appliance Solution to Market: Three Companies Join to Deliver VTLA Smart Guard – A Disk Subsystem Product that Functions as a Virtual Storage Tape Library" Alacritus Software, Inc., October 3, 2001.	
		Trimmer, Don, "Tape Free Backup/Recovery: Requirements and Advantages: Virtualization Technology Will Encompass Many Applications, One of the Most Significant Possibly Being Backup/Recovery" InfoStor, March 2002.	
		"Alacritus Software Announces Virtual Tape Library Support for Legato NetWorker Data Protection Solution" Alacritus Software, Inc., January 8, 2002.	
		Camphuisen, Alicia, "Hitachi Inks OEM Deal with Legato" Knapp Comm., July 17, 2002.	
		"Alacritus Announces Disk-Based Successor to Tape" Knapp Comm., August 21, 2002.	
		Biggar, Heidi, "Alacritus Enables Disk-Based Backup" InfoStor, September 2001.	
		"Securitus I White Paper: Disk Based Data Protection from Alacritus Software" Alacritus Software, Inc., July 2001.	
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		"Virtual Tape Library Technology Brochure" Alacritus Software, Inc., July 2001.	
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		Payack, Paul JJ, "Alacritus Lines Up OEM Partners for Virtual Tape Library Push" The (451) Storage & Systems, October 4, 2002.	
		Payack, Paul JJ, "Alacritus Software Announces Continuous Data Protection with New Chronospan Technology" October 28, 2003.	
		Payack, Paul JJ, "Alacritus Software Announces New Customers for Securitus VTLA" Alacritus Software, January 13, 2004.	
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
		Baltazar, Henry "Weaving Apps Into SAN Fabric" eWEEK, March 24, 2003.	
		Baltazar, Henry "More Intelligence is on the Way" eWEEK, September 15, 2003.	
		Barrett, Alex "The Case for Network Smarts" Storage Magazine, June 2003.	
		"Securitus White Paper: Disk Based Data Protection from Alacritus Software" Alacritus Website, October 2003.	
		"Manageability: Securitus v. Tape" Alacritus Website, October 2003.	
		"The SNIA Data Management Forum Created to Tackle Data Protection and Information Lifecycle Management Issues: Enhanced Backup Solutions Initiative Rolls Efforts into New SNIA Forum" Storage Networking Industry Association, October 13, 2003.	
		"No Changes Required: Securitus v. Tape" Alacritus Website, October 2003.	
		"Customer Success" Alacritus Website, October 2003.	
		"Chronospan" Alacritus Website, October 2003.	
		"Alacritus Software Announces Securitus I, the Industry's First Virtual Tape Library Solution: Securitus I Heralds Advent of 'Disruptive Technology' that Serves as Replacement to Tape Libraries" Alacritus Software, Inc., April 9, 2002.	
		Biggar, Heidi, "Disk and Tape Forge New Partnership in Backup Arena" InfoStor, November 2001.	
		Preston, W. Curtis, "Surprise! Cheap Disks Cure Slow Backup" Storage Magazine, June 1, 2002.	
		"Alacritus, Hitachi CP and Nissho Team to Create Virtual Tape Library" internetnews.com, June 25, 2001.	
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		"Alacritus Software and Rhapsody Networks to Develop Breakthrough Backup Solutions for Storage Networks: Companies to Provide First Network-Intelligent Virtual Tape Solution Resulting in Dramatic ROI, Increases in Data Backup Performance and Scalability" Alacritus Software, July 8, 2002.	
		Komiega, Kevin, "Vendor Pushes Disk Backup Over Tape" SearchStorage.com January 10, 2003.	
		"Testimonials" Alacritus Website, October 2003.	
		"Seamless Integration" Alacritus Website, October 2003.	
		"Topologies" Alacritus Website, October 7, 2003.	
		"Securitus" Alacritus Website, October 2003.	
		"Scalability: Securitus v. Tape" Alacritus Website, October 2003.	
		"Strengths: Securitus v. Tape " Alacritus Website, October 2003.	

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